

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANK W. RAMSEY, JR., et al., : CIVIL ACTION NO. 1:16-CV-1879

:
Plaintiffs : (Chief Judge Conner)

:
v.

**BUCHANAN AUTO PARK, INC., :
et al., :**

:
Defendants :

ORDER

AND NOW, this 26th day of December, 2018, upon consideration of the motion (Doc. 42) for summary judgment filed by defendant FCA US LLC (“FCA”), wherein FCA seeks summary judgment on Counts III, IV, and V of the amended complaint brought against it by plaintiffs Frank W. Ramsey, Jr. and Illona A. Ramsey (the “Ramseys”), and upon consideration of the parties briefing in support of and opposition thereto, (Docs. 43, 45, 48), and the court observing that nonmovants the Ramseys and defendant Buchanan Auto Park, Inc. (“Buchanan”) aver that they are unable to “present facts essential to justify [their] opposition” to FCA’s motion for summary judgment, see FED. R. CIV. P. 56(d), due to FCA’s refusal to designate a corporate representative for deposition, (see Doc. 45 at 2-3; Doc. 47 ¶ 40; Doc. 48 at 5), and it appearing that FCA does not dispute the instant averments, and the court further noting that Federal Rule of Civil Procedure 30(b)(6) mandates that an organization served with a deposition notice designate an officer, director, managing agent, or “other person[] who consent[s] to testify on its

behalf" in response to said notice, see FED. R. CIV. P. 30(b)(6) & advisory committee's note to 1971 amendment, it is hereby ORDERED that:

1. FCA's motion (Doc. 42) for summary judgment is DENIED without prejudice. See FED. R. CIV. P. 56(d)(1).
2. FCA's motions *in limine* (Docs. 49, 51, 53, 55) are DISMISSED without prejudice.
3. The parties shall meet and confer and submit a joint proposed case management order modifying the case management deadlines set forth in this court's November 7, 2017 order, (Doc. 36), specifically allowing for additional time for fact discovery in which to conduct the deposition of FCA's designee. See FED. R. CIV. P. 56(d)(2). The other deadlines appearing in the November 7, 2017 case management order should be adjusted accordingly. The parties shall submit the proposed modified case management order on or before **January 16, 2019**.
4. Should the parties reach an impasse regarding the discovery issues raised by the Ramseys and Buchanan in response to FCA's motion for summary judgment, the parties may request a teleconference with the court as set forth in this court's April 26, 2017 order. (See Doc. 30 ¶¶ 4, 5(b)). No formal motions related to discovery disputes should be filed at this time.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania